

Decision 06-05-020 May 11, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Comply with
the Mandates of Senate Bill 1563 Regarding
Deployment of Advanced Telecommunications
Technologies.

Rulemaking 03-04-003
(Filed April 3, 2003)

ORDER CORRECTING ERRORS IN DECISION 06-04-036

Decision (D.) 06-04-036, issued on April 13, 2006 in this rulemaking, awarded intervenor compensation to TURN and other parties for substantial contributions in this proceeding. On April 21, 2006, TURN informed the Commission by way of letter to the executive director that D.06-04-036 includes a computational error. A copy of that letter is attached to this order.

D.06-04-036 set an hourly rate for Mr. Nusbaum's 2005 work at \$365. However, in computing the actual award, the decision used Mr. Nusbaum's 2003 rate of \$340 per hour. In addition, for work Mr. Nusbaum performed on intervenor compensation for this case, charged at one-half the hourly rate, the Commission once again used Mr. Nusbaum's 2003 rate for 2005 work. These errors resulted in a decrease in the award of \$2,708.75. The computation in D.06-04-036 is as follows:

Advocate	Year	Hours	Rates	Amount
Nusbaum	2003	30.0	\$340	\$10,200.00
Nusbaum	2005	100.9	\$340	\$34,306.00
Nusbaum, comp	2005	14.9	\$170	\$ 2,533.00
Costa	2003	19.25	\$215	\$ 4,138.75
Mailloux	2003	1.75	\$300	\$ 525.00
Mailloux	2005	3.5	\$325	\$ 1,137.50
Finkelstein	2005	3.25	\$395	\$ 1,692.50
Florio	2005	1.75	\$470	\$ 822.50
			<i>Expenses</i>	\$ 732.42
			<i>Total</i>	\$56,087.67

The correct computation is as follows:

Advocate	Year	Hours	Rates	Amount
Nusbaum	2003	30.0	\$340	\$10,200.00
Nusbaum	2005	100.9	\$365	\$36,828.50
Nusbaum, comp	2005	14.9	\$182.5	\$ 2,719.25
Costa	2003	19.25	\$215	\$ 4,138.75
Mailloux	2003	1.75	\$300	\$ 525.00
Mailloux	2005	3.5	\$325	\$ 1,137.50
Finkelstein	2005	3.25	\$395	\$ 1,692.50
Florio	2005	1.75	\$470	\$ 822.50
			<i>Expenses</i>	\$ 732.42
			<i>Total</i>	\$58,796.42

The Commission's order is clear in its intent with regard to the amount to be paid to TURN for Mr. Nussbaum's work. This order corrects the error by way of an order of the executive director, pursuant to Resolution A-4661.

Therefore, pursuant to the authority granted in Resolution A-4661,

IT IS ORDERED that:

1. The reference to a total award to TURN, which reads, "\$56,087.67," is modified to read "\$58,796.42" on the mimeo of Decision (D.) 06-04-036 as follows:

- Page 1, Line 7;
- Chart, page 21;
- Finding of Fact 6;
- Ordering Paragraph 3; and
- Appendix, table titled "Intervenor Information."

2. The following table shall replace the table on page 21, titled "TURN" and:

Advocate	Year	Hours	Rates	Amount
Nusbaum	2003	30	\$340.00	\$10,200.00
Nusbaum	2005	100.9	\$365.00	\$36,828.50
Nusbaum, comp	2005	14.9	\$182.50	\$ 2,719.25
Costa	2003	19.25	\$215.00	\$ 4,138.75
Mailloux	2003	1.75	\$300.00	\$ 525.00
Mailloux	2005	3.5	\$325.00	\$ 1,137.50
Finkelstein	2005	3.25	\$395.00	\$ 1,692.50
Florio	2005	1.75	\$470.00	\$ 822.50
			<i>Expenses</i>	\$ 732.42
			<i>Total</i>	\$58,796.42

3. The table titled "Advocate Information" in the Appendix attached to D.06-04-036 is modified to provide that William Nusbaum's 2005 hourly fee is \$365 rather than \$340.

4. Rulemaking 03-04-003 is closed.

This order is effective today.

Dated May 11, 2006, at San Francisco, California.

/s/ STEVE LARSON

STEVE LARSON
Executive Director

ATTACHMENT



April 21, 2006

Steven Larson, Executive Director
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

VIA HAND DELIVERY AND E-MAIL

Re: D.06-04-036

Dear Mr. Larson:

Pursuant to Section 47(j) of the Commission's Rules of Practice and Procedure, The Utility Reform Network ("TURN") requests that the Commission correct a computational error in D.06-04-036.

D.06-04-036 was issued on April 13, 2006 in R.03-04-003 (Order Instituting Rulemaking on the Commission's Own Motion to Comply with the Mandates of Senate Bill 1563 regarding deployment of Advanced Telecommunications Technologies). In this decision the Commission awarded intervenor compensation to TURN and other parties for substantial contributions in this proceeding.

In TURN's case, the decision provided that the hourly rate for Mr. Nusbaum's 2005 work would be \$365 (D.06-04-036, p. 20). However, in computing the actual award, the decision used Mr. Nusbaum's 2003 rate of \$340 per hour (see D.06-04-036, p. 22). In addition, for work Mr. Nusbaum performed on intervenor compensation for this case, charged at one-half the hourly rate, the Commission once again used Mr. Nusbaum's 2003 rate for 2005 work ($1/2$ of \$340 = \$170) rather than one-half the 2004 rate of \$365 ($1/2$ of \$365 = \$182.50). These errors resulted in a decrease in the award of \$2708.75. These computations are provided below and highlighted.

ATTACHMENT

The computation in D.06-04-036:

Advocate	Year	Hours	Rates	Amount
Nusbaum	2003	30	\$340	\$10,200.00
Nusbaum	2005	100.9	\$340	\$34,306.00

Nusbaum, comp	2005	14.9	\$170	\$2,533.00
Costa	2003	19.25	\$215	\$4,138.75
Mailloux	2003	1.75	\$300	\$525
Mailloux	2005	3.5	\$325	\$1,137.50
Finkelstein	2005	3.25	\$395	\$1,692.50
Florio	2005	1.75	\$470	\$822.50
			Expenses	\$732.42
			Total	\$56,087.67

The correct computation applying 2004 rates to Nusbaum's 2005 work:

Advocate	Year	Hours	Rates	Amount
Nusbaum	2003	30	\$340	\$10,200.00
Nusbaum	2005	100.9	\$365	\$36,828.50
Nusbaum, comp	2005	14.9	\$182.5	\$ 2,719.25
Costa	2003	19.25	\$215	\$ 4,138.75
Mailloux	2003	1.75	\$300	\$ 525
Mailloux	2005	3.5	\$325	\$ 1,137.50
Finkelstein	2005	3.25	\$395	\$ 1,692.50
Florio	2005	1.75	\$470	\$822.50
			Expenses	\$732.42
			Total	\$ 58,796.42

TURN respectfully requests that the Commission correct these computational errors.

Yours truly,

William R. Nusbaum
Senior Telecommunications Attorney The
Utility Reform Network

cc: Via e-mail only:
Service list for R.03-04-003

(END OF ATTACHMENT)